

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TOM M. FRANKS,

Plaintiff,

v.

JOHNSON, *et al.*,

Defendants.

Case No. 1:20-cv-00551-DAD-BAM (PC)

ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*

(ECF No. 4)

ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY CALIFORNIA
DEPARTMENT OF CORRECTIONS

Plaintiff Tom M. Franks ("Plaintiff") is a state prisoner proceeding *pro se* in this civil action pursuant to 42 U.S.C. § 1983. This action was initiated on April 16, 2020. (ECF No. 1.) On April 28, 2020, Plaintiff filed a motion to proceed *in forma pauperis*, (ECF No. 4), and on May 1, 2020, Plaintiff filed a certified copy of his inmate trust account statement, (ECF No. 8).

Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust account. The California Department of Corrections is required to send to the Clerk of the Court payments from Plaintiff's trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 4), is GRANTED;
2. **The Director of the California Department of Corrections or his/her designee shall collect payments from Plaintiff's prison trust account in an amount equal to twenty per cent (20%) of the preceding month's income credited to the prisoner's trust account and shall forward those payments to the Clerk of the Court each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments shall be clearly identified by the name and number assigned to this action;**
3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in forma pauperis* application on the Director of the California Department of Corrections, via the court's electronic case filing system (CM/ECF); and
4. The Clerk of the Court is directed to serve a copy of this order on the Financial Department, U.S. District Court, Eastern District of California.

IT IS SO ORDERED.

Dated: May 4, 2020

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE